

REMARKS

A petition for a two month extension of time has today been filed as a separate paper and a copy is attached hereto.

As the undersigned explained to the examiner in telephone discussion on or about December 11, 2003, at the outset of the interview on October 19, 2003, a question was raised by the examiner regarding the nature of the "housing" recited in the proposed amendment which was forwarded to the examiner by facsimile in advance of the interview. It was noted that the term "housing", as used in the specification, is with reference to "converter housing 12" which is shown as the outer case 12 in Fig. 1 of the drawings. See, for example, page 17, line 9 of applicants' original specification. In view of the fact that claim 39 of the proposed response defined the motor as "arranged radially and axially overlapping said housing of said fluid transmitting apparatus," it became apparent that the intended reference was to front cover 30, not housing 12. Accordingly, it was proposed to change "housing" to "front cover" in the claims. Unfortunately, no record was made of the intended change.

Accordingly, the present amendment presents amended claims using the terminology "front cover" and serves to correct an error in claim 39 as presented in the (unentered) response

of November 3, 2003. Otherwise, the amended claims are identical to those presented in the response of November 3, 2003 and the arguments which follow are substantially the same.

Claims 46-54 are hereby amended to depend from an allowable claim and, accordingly, the restriction requirement as set forth in paragraph 5 of the office action is believed to be now moot.

Claims 39-44 & 46-54

In view of the present amendments to claim 39, the rejection for anticipation by Werner et al, as set forth in paragraph 7 of the final action, is believed to be moot. With respect to claim 39 and claims 40-44 dependent thereon, Werner et al do not show a lockup clutch and if a lockup clutch were to be added it would necessarily be placed within the housing 4 where it could not be axially overlapping with the rotor. Compare claims 43, 49, 53, 57 and 61 which were not rejected for anticipation by Werner et al.

Claims 55, 56, 59 and 60

The rejection for anticipation by Werner et al as applied to claims 55, 56, 59 and 60 in

paragraph 7 of the office action, is also traversed. Claims 55, 56, 59 and 60 require that the case provide one point of support for the rotor. In contradistinction, in Werner et al the rotor is shown as supported by attachment to crankshaft 1 through bolts 15, with a spline connection between hub 6 and drive flange 2 (shaft 7) of the hydrodynamic torque converter 5. The casing provides no point of support for the rotor 11. Werner et al nowhere discloses or suggests the rotor be supported by any portion of the housing or "crankcase 12."

*disagree
no personal
interview
on
1/29/03
PTA*

At the interview of November 29, 2003 the examiner referred to the mounting on crankcase 12 as taught at column 2, lines 49-52 of Werner. However, as pointed out by the undersigned, that teaching merely states that the stator windings are fixed to the crankcase and in no way implies that the rotor is also fixed to the crankcase (which would render it inoperative), nor does it in any way suggest that the crankcase furnishes a point of support for the rotor.

Claims 43, 57 and 61

The rejection of claims 43, 57 and 61 for obviousness, as set forth in paragraph 8 of the office action, is respectfully traversed. The rejection is also traversed to the extent that it might be deemed applicable to newly presented claim 39. The examiner relies upon the teachings of Tabata et al for disclosure of a "multi-disc lockup clutch". However, the rejected claims 43, 57

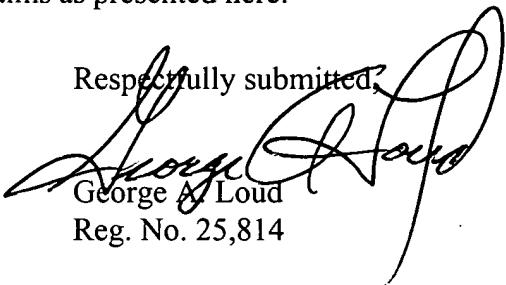
and 61 require more than mere addition of a lockup clutch to the apparatus of Werner et al. The examiner's attention is directed to the fact that claim 43 depends from claim 42 which, in turn, depends from claim 40. Reading the limitations of these claims, it should be appreciated that "if said lockup clutch is arranged radially inward of said middle portion of said front cover" (claim 43) and "said rotor is arranged on an outer side of and parallel to said middle portion with said predetermined gap therebetween", it necessarily follows that the rotor axially overlaps the lockup clutch. It is easily seen in the drawings of Tabata et al that rotor 32 does not axially overlap the lockup clutch 52 and, moreover, there is no suggestion in the reference that the structure could or should be modified to provide such an axial overlap.

The Rejection of Claims 44, 58 and 62 for Obviousness

The rejection of claims 44, 58 and 62, as set forth in paragraph 9 of the office action, for obviousness over Werner et al is respectfully traversed for the reason that these claims depend from claims allowable over Werner et al for the reasons noted above.

In conclusion, it is respectfully requested that the examiner reconsider the rejections of record with a view toward allowance of the claims as presented here.

Respectfully submitted,


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Dated: December 23, 2003

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